REMARKS

This amendment is being filed in response to the Office Action having a mailing date of May 19, 2004. Claims 1-3, 8, 10-13, and 18-22 are amended as shown. More specifically, claims 8 and 18 are amended to clarify that these claims (and their related claims) do not fall within the scope of 35 U.S.C. § 112, sixth paragraph. Other amendments are made to the various claims to correct for antecedent basis, to clarify the language in the claims, and/or to make typographical corrections and revisions. No new matter has been added. With this amendment, claims 1-22 are pending in the application.

In the present Office Action, claims 1-7 and 10-22 were rejected under 35 U.S.C. § 102(b) as being anticipated by the article by Chamberlain. The applicants note that while a date of "March 16, 1999" is indicated in the Chamberlain article as a date on which the document "was generated," there is no information to suggest that this was the actual publication date of the article. The applicants, therefore, reserve the right to predate the Chamberlain article and/or to demonstrate that it does not qualify as prior art under 35 U.S.C. § 102(b) or other applicable sections. Claims 8-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Chamberlain and Charles (U.S. Patent No. 6,314,564). For the reasons set forth below, the applicants respectfully disagree with these rejections, and request that the pending claims be allowed.

A disclosed embodiment will now be discussed in comparison to the applied references. Of course, the discussion of the disclosed embodiment, and the discussion of the differences between the disclosed embodiment and subject matter described in the applied references, do not define the scope or interpretation of any of the claims. Instead, such discussed differences are intended to merely help the Examiner appreciate important claim distinctions discussed thereafter.

One embodiment of the present invention provides a linker for creating an executable program from object code modules. The linker uses a linker control language (LCL), which is made up of a sequence of "relaxation instructions." Each relaxation instruction has associated with it a unique instruction count. One type of relaxation instruction defines relocation operations, and another type controls linker operations.

A feature of an embodiment of the present invention is that the linker uses an ordered sequence of relaxation instructions defined by a sequence of instruction counts. Each relaxation instruction has associated with it a unique instruction count. Therefore, both the section data and the relocation instructions are serialized and given a uniform count. This feature is not present in the cited prior art document.

The cited prior art document of Chamberlain is a user manual for the linker program "ld". This document discloses how to utilize this program. This document does not cover in detail the actual mariner in which the program operates. There is nothing disclosed, taught, or suggested in Chamberlain that involves a linker that uses an "ordered sequence of relaxation instructions defined by a sequence of instruction counts."

On page 3 of the Office Action, the Examiner has cited page 10, lines 33-41 and page 49, lines 11-13 of Chamberlain as disclosing a reading of each relaxation instruction. While Chamberlain does in fact disclose the reading of relaxation instructions, the act of performing this in the sequence defined by the sequence of instruction counts is not disclosed by Chamberlain. In fact, the citation to Chamberlain provided by the Examiner on page 3 of the Office Action merely refers to the act of "reading," and the Examiner has not provided any citation to Chamberlain that involves the reading of each relaxation instruction in the ordered sequence defined by the sequence of instruction counts, since such a feature is not found or suggested by Chamberlain. There are similar quotations throughout the Office Action where the Examiner has cited sections of Chamberlain that involve the reading of relaxation instructions, but none of these sections or any other section of Chamberlain has been cited for the feature of "reading relaxation instructions in the ordered sequence defined by the sequence of instruction counts."

Independent claims 1, 18, and 22 each include the recitation of "reading each relaxation instruction in the ordered sequence defined by the sequence of instruction counts." As discussed above, this is a feature that is not disclosed, taught, or suggested by Chamberlain. Chamberlain merely discloses the reading of a relaxation instruction, but is completely silent with regards to reading in the ordered sequence defined by the sequence of instruction counts. Accordingly, claims 1, 18, and 22 are allowable over Chamberlain.

Claims 1 and 18 further recite "a jump relaxation instruction," which relates to an instruction count of a relaxation instruction to be subsequently read. This is also a feature that is not disclosed, taught, or suggested by Chamberlain. For example, in rejecting claim 1 of the present application, the Examiner has stated on page 3 of the Office Action that the jump relaxation instruction is anticipated by Chamberlain on page 49, line 12. However, the jump instructions referred to in Chamberlain are part of the actual object code that the linker is combining, rather than an instruction that controls how the linker reads the next relaxation instructions. Therefore, the jump relaxation instruction recited in claims 1 and 18 further distinguish over Chamberlain, and therefore, these claims are further allowable over Chamberlain.

Independent claim 10 is directed towards a linker. Claim 10 recites "a relaxation module for reading the relaxation instructions in an ordered sequence defined by the sequence of instruction counts." As described above, this is a feature that is not found in Chamberlain, since Chamberlain merely discloses the act of reading relaxation instructions, and is completely silent with regards to reading relaxation instructions in an ordered sequence defined by the sequence of instruction counts. Accordingly, claim 10 is allowable over Chamberlain.

Claim 19 is a method claim that recites "reading each relaxation instruction of the ordered sequence." There is nothing disclosed, taught, or suggested in Chamberlain that involves this feature. Accordingly, claim 19 is allowable over Chamberlain on the basis of this distinction. Furthermore, claim 19 further recites a "jump relaxation instruction." A next relaxation instruction which is read is that of an instruction count specified in the jump relaxation instruction. As described above, this is a feature that is not found in Chamberlain. The jump instructions of Chamberlain are merely part of the actual object code that the linker is combining, rather than an instruction that controls how the linker reads the next relaxation instructions. Accordingly, this feature makes claim 19 further allowable over Chamberlain.

Adding the reference of Charles to Chamberlain does not cure the deficiencies of Chamberlain. Charles has been cited merely for "accessing a stack." There is nothing in Charles that supplies the missing teachings of Chamberlain, namely, the feature of reading each relaxation instruction in the ordered sequence defined by the sequence of instruction counts.

Accordingly, the claims are allowable over both Charles and Chamberlain, either singly or in combination.

Overall, none of the references singly or in any motivated combination disclose, teach, or suggest what is recited in the independent claims. Thus, given the above amendments and accompanying remarks, the independent claims are now in condition for allowance. The dependent claims that depend directly or indirectly on these independent claims are likewise allowable based on at least the same reasons and based on the recitations contained in each dependent claim.

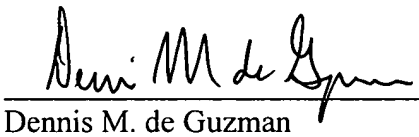
If the undersigned attorney has overlooked a teaching in any of the cited references that is relevant to the allowability of the claims, the Examiner is requested to specifically point out where such teaching may be found. Further, if there are any informalities or questions that can be addressed via telephone, the Examiner is encouraged to contact the undersigned attorney at (206) 622-4900.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

All of the claims remaining in the application are now clearly allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC



Dennis M. de Guzman
Registration No. 41,702

DMD:jl

Enclosure:
Postcard

701 Fifth Avenue, Suite 6300
Seattle, Washington 98104-7092
Phone: (206) 622-4900
Fax: (206) 682-6031

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